

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DANIEL KANG,	)	CIVIL ACTION NO.
	)	
Plaintiff,	)	4:21-CV-111-WTM-CLR
	)	
vs.	)	
	)	
THE MAYOR AND ALDERMEN OF THE	)	
CITY OF SAVANNAH and ROY W.	)	
MINTER, JR., Chief of Police	)	
for the City of Savannah,	)	
Georgia, In His Individual	)	
and Official Capacities,	)	
	)	
Defendants.	)	

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VIDEOCONFERENCE DEPOSITION OF  
CAPTAIN GEORGE GUNDICH

August 29, 2022

12:56 p.m.

218 West State Street  
Savannah, Georgia

Thomas J. Dorsey, RPR, CCR-2781

**Gilbert & Jones**

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35               Jamar Bacon

36                                    - - -

37                                    Gilbert & Jones

<div>1 INDEX TO EXAMINATIONS</div> <div>2 Examination Page</div> <div>3 By Mr. Schiavone 4</div> <div>4 By Mr. Kachmar 35</div> <div>5</div> <div>6</div> <div>7 - - -</div> <div>8 INDEX TO EXHIBITS</div> <div>9 Exhibit Description Page</div> <div>10</div> <div>11 4 Bates Nos. Kang 000953-6113</div> <div>12</div> <div>13</div> <div>14</div> <div>15 (Original Exhibit 4 has been attached to</div> <div>16 the original transcript.)</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Gilbert &amp; Jones</div>	<div>3 EXHIBIT 32</div> <div>5</div> <div>1 Q. All right, Captain. And how are you</div> <div>2 employed?</div> <div>3 A. With the Savannah Police Department, City</div> <div>4 of Savannah.</div> <div>5 Q. How long have you been with the Savannah</div> <div>6 Police Department?</div> <div>7 A. Just shy of 23 years.</div> <div>8 Q. When are you retiring? That's a long</div> <div>9 time.</div> <div>10 A. Just shy of two years.</div> <div>11 Q. Two years, got you.</div> <div>12 And back, I think, around in April of</div> <div>13 2020, what was your position then?</div> <div>14 A. I was a captain of the eastside precinct,</div> <div>15 precinct command.</div> <div>16 Q. All right. Let me ask you a couple</div> <div>17 questions about your understanding of policy.</div> <div>18 My understanding is the Savannah Police</div> <div>19 Department has policies that apply to everyone</div> <div>20 employed from the chief on down. Would that be a</div> <div>21 fair statement?</div> <div>22 A. Correct.</div> <div>23 Q. And everyone is expected to be</div> <div>24 knowledgeable of all those policies?</div> <div>25 A. Correct.</div> <div>Gilbert &amp; Jones</div>
<div>4</div> <div>1 (Reporter disclosure made pursuant to</div> <div>2 Article 10.B. of the Rules and Regulations of the</div> <div>3 Board of Court Reporting of the Judicial Council of</div> <div>4 Georgia.)</div> <div>5 CAPTAIN GEORGE GUNDICH,</div> <div>6 having first been duly sworn, was examined and</div> <div>7 testified as follows:</div> <div>8 MR. SCHIAVONE: All right. This is the</div> <div>9 deposition of -- is it Captain?</div> <div>10 THE WITNESS: Yes, sir.</div> <div>11 MR. SCHIAVONE: -- of Captain George</div> <div>12 Gundich pursuant to the Federal Rules of Civil</div> <div>13 Procedure. Are all objections reserved except</div> <div>14 to form of the question?</div> <div>15 MR. O'CONNOR: Yes, they are. And Captain</div> <div>16 Gundich will reserve reading and signing as</div> <div>17 well.</div> <div>18 MR. SCHIAVONE: All right. Fine.</div> <div>19 MR. KACHMAR: Chief Minter agrees to</div> <div>20 reserve too.</div> <div>21 EXAMINATION</div> <div>22 BY MR. SCHIAVONE:</div> <div>23 Q. All right, Captain. Give me -- for the</div> <div>24 record, just give me your full name and your rank.</div> <div>25 A. Sure. It's Captain George C. Gundich.</div> <div>Gilbert &amp; Jones</div>	<div>6</div> <div>1 Q. And there would be a central location that</div> <div>2 an officer or anyone employed by the Savannah Police</div> <div>3 Department could go to in order to familiarize</div> <div>4 themselves with the policies?</div> <div>5 A. Yes, sir.</div> <div>6 Q. All right. Is there a -- I don't know if</div> <div>7 it's a presumption, but is everyone expected to be</div> <div>8 controlled by the policies including the chief?</div> <div>9 A. Correct. There's also the City policy</div> <div>10 that states that.</div> <div>11 Q. All right. And I know the procedure when</div> <div>12 officers are alleged to have violated policy. Are</div> <div>13 you familiar with that process, how that works</div> <div>14 generally as a captain of 23 years?</div> <div>15 A. Yes, sir.</div> <div>16 Q. How -- what's your understanding of that</div> <div>17 process?</div> <div>18 A. Process pre a few years ago and what we're</div> <div>19 back to now it was pretty simple. We followed either</div> <div>20 a complaint would come in or if we came across</div> <div>21 something we would complete the beginning stages of</div> <div>22 the investigation on our side. If it was below the</div> <div>23 rank of sergeant, sergeant would start preliminary,</div> <div>24 would go up through the lieutenant to do the LOT,</div> <div>25 letter of transmittal.</div> <div>Gilbert &amp; Jones</div>

1 Let me back up a little bit. We get an  
2 OPS number. We could contact them directly, either  
3 lieutenant or captain usually, just for tracking  
4 purposes and then we would handle -- anything that  
5 wasn't criminal we would handle that investigation at  
6 our level.

7 Once the LOT was done there's sections on  
8 that LOT for each commander on the way up the chain  
9 to put in their findings, whether they agree or  
10 disagree.

11 You would also place in -- Douglas Factors  
12 were -- were kind of added in with the change of the  
13 policy by Chief Lumpkin at the time which set certain  
14 parameters for us to place other comments in on how  
15 it affected whether this would be something we could  
16 correct the behavior of. It was very specific  
17 depending how much time you wanted to put in and  
18 which ones correlated with the incident. We'd fill  
19 all that in, make our recommendations on what we  
20 believe the punishment should be and then send it up.

21 On rare occasions you would have a meeting  
22 to go over it if you had people that didn't agree  
23 with the overall. If sergeants all the way up agreed  
24 with the punishment that's usually what happened  
25 followed by that policy. If there was some

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1 just outlined to me?

2 A. Basically, yes. I'd have to read it to  
3 get the exact specifics.

4 Q. Right.

5 A. But yes. That's pretty much how we  
6 followed things for years.

7 Q. All right. And when -- when -- who  
8 creates policy? Or does someone create it? How does  
9 that work?

10 A. We have right now a group, your core  
11 leaders that get together and go through as we change  
12 policy. The original policies have always kind of  
13 been set. There was somebody assigned policy  
14 changes. They would go through, try to find best  
15 practice and see if anything had -- wording had to be  
16 changed or it would be a collective. If say I found  
17 something where it was a policy failure it would go  
18 through -- the accreditation manager would also  
19 handle going through the policies. Then it would go  
20 to Internal Affairs and all the way up the chain.

21 It used to be a point where we'd have an  
22 agreement upon most of the command staff to kind of  
23 say if there was going to be a change to make sure we  
24 put in our -- our two cents on it, and then finally  
25 the chief would sign off on that policy to

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1 disagreement you'd have the opportunity to meet in a  
2 group, command staff, the officers, supervisors and  
3 Internal Affairs and you'd go through the process to  
4 see why or why not this may have been either a policy  
5 failure, they broke policy, or whether they were  
6 cleared of any wrongdoing.

7 MR. SCHIAVONE: And I don't know if they  
8 have the exhibits from the last deposition.

9 MR. O'CONNOR: They're here.

10 MR. SCHIAVONE: Can we use those in this  
11 deposition, Pat?

12 MR. O'CONNOR: Yes. I appreciate just if  
13 you do any new ones just continuation of numbers  
14 so we don't have --

15 MR. SCHIAVONE: Okay.

16 MR. O'CONNOR: -- 15 Exhibit 1's.

17 MR. SCHIAVONE: That's fine.

18 MR. O'CONNOR: All right. He's got the  
19 exhibits here.

20 MR. SCHIAVONE: All right.

21 Q. (By Mr. Schiavone) If you'll look at  
22 those. Exhibit No. 1 is the -- well, you can tell  
23 me. If you recognize it if you could tell me.

24 A. Yes, sir.

25 Q. And is that basically the policy that you

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1 essentially make it legitimate.

2 Q. Okay. And then that policy would be  
3 placed on the whatever server that's used so that  
4 everyone would be aware what the policy is and that  
5 they have to follow that policy now?

6 A. Correct.

7 We have several different places that you  
8 could find it on, keeps up current. If there's ever  
9 any changes to the policy or deviation, anything that  
10 wording is changed, it is always sent out through a  
11 PowerDMS which everybody signs for electronically to  
12 say that you read the policy, understood it, and you  
13 would sign it to hold you accountable for the  
14 knowledge of that policy.

15 Q. All right. And would everyone be able to  
16 expect that they would have the benefit of all the  
17 due process portions of Exhibit 1 as an employee if  
18 some action was taken against him?

19 MR. KACHMAR: Object to the form.

20 Q. (By Mr. Schiavone) Or her?

21 MR. KACHMAR: Object to the form.

22 THE WITNESS: It would be -- supposed to  
23 read in a way where everybody can understand  
24 what their rights are, what the whole system is  
25 for disciplinary process so you understand all

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11 EXHIBIT 32	13
<p>1 the way through not only yourself but everybody</p> <p>2 in the structure as well, sergeants, lieutenants</p> <p>3 and above, pretty well documented on how you</p> <p>4 would know the process would go.</p> <p>5 Q. (By Mr. Schiavone) But before the</p> <p>6 chief -- as I understand it, before the chief or</p> <p>7 anyone else could rely on a policy, it would have to</p> <p>8 be implemented and made part of a permanent policy?</p> <p>9 A. Yes.</p> <p>10 Q. So if they change things generally?</p> <p>11 A. Yeah. If anything was changed it would</p> <p>12 have to go through all the way through the process,</p> <p>13 be signed off upon and then go into working order.</p> <p>14 Until then the policy would be whatever that prior</p> <p>15 policy was. If you're working on a policy, until</p> <p>16 that is finalized and signed off on, you still</p> <p>17 operate under the past policy.</p> <p>18 Q. All right. So no one could then proceed</p> <p>19 and rely on a draft policy that hadn't been</p> <p>20 implemented?</p> <p>21 A. No. That would -- that would not be the</p> <p>22 proper process.</p> <p>23 Q. And if someone did, would that be a</p> <p>24 violation of policy?</p> <p>25 A. I think then it would be because you'd be</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>	<p>1 MR. O'CONNOR: Yeah.</p> <p>2 (Exhibit 4 was marked for identification.)</p> <p>3 MR. O'CONNOR: Let us look at that first.</p> <p>4 We've seen these three. Okay.</p> <p>5 Q. (By Mr. Schiavone) I'd ask you if you'd</p> <p>6 take a look at Exhibit 4 and see if you can recognize</p> <p>7 that.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Can you explain to me what that is?</p> <p>10 A. This was the conflict resolution program</p> <p>11 that the City once had. I believe it's been taken</p> <p>12 out of policy since then.</p> <p>13 Initially how this all began was I had met</p> <p>14 with the chief three different times trying to</p> <p>15 correct some behaviors, some problems I saw that was</p> <p>16 brewing in the department. When it comes to making a</p> <p>17 complaint at different levels there's not one set for</p> <p>18 dealing with somebody above your rank, especially</p> <p>19 when most of the internal issues stop at the chief of</p> <p>20 police. So I had to research for what fell under HR</p> <p>21 and reached out to Anthony Caston with HR after I</p> <p>22 found this policy to ask him if there was any way we</p> <p>23 could avoid going through multiple individual</p> <p>24 complaints and -- and due to the fact this one name</p> <p>25 that you could do a group complaint I found this</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>
12	14
<p>1 more into the line of practice over policy which is</p> <p>2 what gets you in the most trouble.</p> <p>3 Q. All right. And that -- everyone that</p> <p>4 works for the police department including the chief</p> <p>5 are expected to follow the existing policy, aren't</p> <p>6 they?</p> <p>7 A. Correct.</p> <p>8 Q. And who would punish the chief if he</p> <p>9 didn't? Do you know how that works?</p> <p>10 A. The only one it would fall upon would be</p> <p>11 the city manager.</p> <p>12 Q. Would be the city manager?</p> <p>13 A. (Nods head.)</p> <p>14 MR. SCHIAVONE: So that gets me to if Dan</p> <p>15 could get the group HR complaint that was filed.</p> <p>16 Can we get that marked as Exhibit 3?</p> <p>17 MR. O'CONNOR: It would be -- you've</p> <p>18 already been through 3.</p> <p>19 MR. SCHIAVONE: I thought we just had</p> <p>20 1 and 2.</p> <p>21 MR. O'CONNOR: No, you had 3. 3 was the</p> <p>22 memo.</p> <p>23 MR. SCHIAVONE: Okay. Then 4. I'm sorry.</p> <p>24 MR. WILSON: 3 was the Douglas Factor</p> <p>25 memo?</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>	<p>1 after failed attempts of talking to Minter trying to</p> <p>2 get change. I was kind of the spokesperson for a</p> <p>3 number of people, so I decided after I was told that</p> <p>4 if they had a problem that they needed to come</p> <p>5 forward. I reached out to everybody with this policy</p> <p>6 through HR, and we kind of completed a group</p> <p>7 complaint at the time.</p> <p>8 I controlled who was signing it in my</p> <p>9 office so it didn't kind of disappear and start going</p> <p>10 around and nobody was pushed or forced to sign it or</p> <p>11 feel threatened. So everything stayed in my hand the</p> <p>12 entire time. We kind of let word of mouth get out</p> <p>13 besides those I talked to.</p> <p>14 I kept it for maybe about two days, two</p> <p>15 and a half days. I really didn't want it to swelter</p> <p>16 out there long and start getting people pushing back.</p> <p>17 So after that time period I set and people came up,</p> <p>18 those are the amount of signatures we came up with.</p> <p>19 Everybody I kept up with for the final draft of the</p> <p>20 bullet points which I thought was the most accurate</p> <p>21 way to get all those points across that people were</p> <p>22 having issues with and sent that up to the HR and the</p> <p>23 city manager.</p> <p>24 Q. All right. Officer Kang as well as</p> <p>25 Sergeant Arango were two of the officers that did</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>

1 sign the complaint?  
 2 A. Correct.  
 3 Q. And in the complaint there were listed a  
 4 number of issues. One was threats, intimidation  
 5 admonishment against individuals under his command?  
 6 A. Yes, sir.  
 7 Q. Was that occurring? Was the chief doing  
 8 that to individuals in the -- in the police  
 9 department?  
 10 A. Yes, quite often.  
 11 Q. And -- and there were complaints about how  
 12 he was treating officers?  
 13 A. Yes, sir.  
 14 Q. Was there retribution against officers?  
 15 A. I'd need responsibilities to confirm. The  
 16 behavior kind of to the command staff I saw more of  
 17 it. Anything else on individual officers there was  
 18 some pushback on it. I've seen it firsthand. You  
 19 know, the behaviors in group settings between peers,  
 20 around peers and subordinates where this would  
 21 happen. So I'd say I probably witnessed it dozens of  
 22 times at specific detectives, different ranks,  
 23 different officers in very public settings.  
 24 Q. Would some of those retributions be done  
 25 by the chief directly?

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1 A. Yes. There was a lot of threats of moves,  
 2 people losing their positions.  
 3 You know, if you had specifics I could  
 4 probably bring some to mind, but there were a number  
 5 of -- of -- all the people that spoke on these  
 6 problems was why I added these bullet points in. It  
 7 was a number of people that felt like they didn't get  
 8 positions, didn't get fair shakes to get promoted,  
 9 things along that line. The list kind of goes on.  
 10 It would be very vague.  
 11 You know, you give me specific names I  
 12 could say where that happened. Certain units that  
 13 did not get the push that they needed to, you know,  
 14 be successful, certain precincts that weren't allowed  
 15 the ability to be successful.  
 16 Q. Did the chief ever say to you that anyone  
 17 that signed that petition would never get promoted?  
 18 A. No. I only heard that through a rumor.  
 19 Q. Through a rumor; all right.  
 20 And all of these complaints when this was  
 21 filed was -- did you hear or receive any feedback  
 22 from the chief or anybody else --  
 23 A. Not at all.  
 24 Q. -- since it was filed?  
 25 A. No. Just HR's simple response was just

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1 that we're going to take a look into it and the  
 2 actual initial was to make it harder. Even though it  
 3 was outlined in their policy you could do a group  
 4 complaint, it became a battle of wills of let's see  
 5 how many we can get rid of that signed this by  
 6 getting back to us after, uh, maybe about a week  
 7 Jeff Grant stated that everybody had to do their own  
 8 individual complaint. Everybody kind of pushed back  
 9 on that, but I reached out to everybody and said just  
 10 go ahead and do individuals. If that's what they  
 11 want to play around the system, that's what we did.  
 12 After that we heard back. I believe  
 13 Mr. Monahan may have sent out an e-mail saying that,  
 14 you know, they're going to take this serious and hire  
 15 an outside source to look into the problem. But any  
 16 input from HR directly to any of us or from command  
 17 staff did not exist.  
 18 Q. And are you aware if an outside source was  
 19 hired to look into it?  
 20 A. Yes. They did hire -- I don't know. I  
 21 can't remember her name right now. She was out of  
 22 Statesboro.  
 23 Q. Susan Cox?  
 24 A. Yes.  
 25 Q. Does that sound correct?

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1 A. Yes, that's it.  
 2 Q. All right.  
 3 A. But she only interviewed a very minor  
 4 number of people. I was one of them, but I think  
 5 maybe I heard four or five others out of that whole  
 6 list were actually interviewed.  
 7 Q. And are you as of today, are you still  
 8 waiting for them to have made a decision --  
 9 A. Um --  
 10 Q. -- even though the chief -- even though  
 11 the chief's gone?  
 12 A. It would have been nice.  
 13 Q. Did they ever make a decision on them?  
 14 A. No, not at all. There was -- on  
 15 Mr. Monahan's last day he sent out an e-mail that he  
 16 was setting up a structure and a plan to correct what  
 17 he saw was bad behavior, bad leadership from Minter.  
 18 And he was going to be held -- he actually called me  
 19 personally and said that he promised that, you know,  
 20 Michael Brown when he came in was going to keep up on  
 21 this and any other problems to contact, you know, him  
 22 directly even though he was retired to tell him that,  
 23 you know, things weren't going, reach out to  
 24 Mr. Brown so we could see if there was any positive  
 25 change coming from this.

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1 So there was an addressment but no closure  
2 whatsoever, and nothing was ever really done to  
3 follow up on that, that plan that was in place to  
4 correct all of these problems.

5 Q. All right. Now, Captain, you were aware  
6 that Kang and Arango were CNT at one point?

7 A. Yes, sir.

8 Q. And were they transferred back before this  
9 was filed or after --

10 A. It was before.

11 Q. -- Exhibit 4 was filed?

12 A. It was before.

13 Q. All right. And do you know what -- what  
14 area of the police department they were put in at  
15 that point, like different sections or something?

16 A. Yeah. That's where the confusion kind of  
17 came in. I know I remember talking to them when they  
18 were getting pulled out. It seemed like they were  
19 picked very specifically to be a warrant squad.

20 Q. Well, explain -- explain to me what a  
21 warrant squad is, Captain.

22 A. Well, that would be the problem. We never  
23 really had just something that says warrant squad.  
24 We've had a couple different units in the past. We  
25 have our -- our TFO positions that are with the U.S.

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1 Marshals that work with them on a warrant squad.  
2 We've had a TRAP unit in the past that did some  
3 warrant service. A warrant squad in itself the  
4 closest we had was one that was called the Career  
5 Officer Tracking Unit existed 15 to 20 years ago. I  
6 think it may have been 20 years ago, was about the  
7 last time we had a specific unit to just deal with  
8 fugitives.

9 Q. And with executing arrest warrants issued  
10 by a judge, you know, be it a state court judge or  
11 superior court judge, especially if it was to arrest  
12 someone for violent offenses, is that a very  
13 dangerous job --

14 A. Yes.

15 Q. -- when you're executing that warrant?

16 A. Yes. It falls under the high-risk  
17 category. CNT, SWAT, TRAP at the time were the main  
18 three units that would handle this.

19 The unit I currently run right now which  
20 is the strategic investigation section handles that  
21 as well. Something that you need training, manpower  
22 specific. Anything that's high risk is levied out in  
23 different policies in the department, part of SWAT,  
24 part of SIS, very specific on it. But it does reach  
25 that factor where you have to have general

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1 guidelines, actually specific guidelines to handle  
2 these things in a proper way, not just put a team  
3 together.

4 Q. I know that I've had clients charged with  
5 murder that a warrant had been issued for their  
6 arrest and I've contacted the detective, told them  
7 that I had the individual in my office and that I  
8 wanted to surrender him. When the police got here  
9 there would be five, six or seven officers, some from  
10 the Marshals office, even though I'm an attorney --  
11 they knew who I was -- and that I was voluntarily  
12 surrendering, but they still sent that kind of  
13 manpower.

14 Is that because of the dangers --  
15 dangerousness of no matter who it is when you're  
16 actually going to execute the warrant and arrest the  
17 individual?

18 A. Absolutely. I've -- I've managed units  
19 like this probably about 15 or more years of my  
20 career since being a star corporal. It is always one  
21 of the most hectic, highly planned, dangerous thing.  
22 Any warrant service you do or even going after  
23 fugitives even in a vehicle, you know, no matter what  
24 it's going to be takes operational plans. It takes  
25 multiple undercover officers, uniformed officers,

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1 every bit of support you possibly can.

2 The teams I run right now generally  
3 depending upon the person we're looking for will  
4 increase the manpower. The purpose of wanting as  
5 many people out there is to cover the arrest, cover  
6 the avenues of escape, cover safety to the public.  
7 You have to be ready for every possible scenario that  
8 can go wrong. So you have to have enough to handle  
9 the building, entry team, presurveillance and  
10 transport after the arrest.

11 Q. All right. At the time that this, these  
12 officers were assigned -- I guess it's called the SIS  
13 warrant squad? Does that sound like what it would  
14 have been called at the time?

15 A. I -- I think it finally got to that point.  
16 I could be corrected on this, but I don't think it  
17 started out that way. I think they were first  
18 attached to a precinct. But as a warrant squad it  
19 was a citywide warrant squad but they were attached,  
20 I think, to central precinct.

21 Q. Was there any policies in place at that  
22 time --

23 A. No.

24 Q. -- for these officers to -- to know  
25 exactly how this should be done?

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1 A. No, it was -- it was actually very  
2 confusing and they reached out to me for assistance.  
3 They -- they worked for me in CNT. Safety aspect of  
4 doing these type of warrants, CNT or fugitives, they  
5 knew they had the manpower there. They had the  
6 support, and, you know, we would cancel operations  
7 left and right. So they were feeling a little uneasy  
8 about how they were being pushed forward, especially  
9 at the front end when they weren't even connected to  
10 the SIS team at all. It was just the five of them, I  
11 believe, and then one had left not far into that.

12 They didn't have the equipment, so I was  
13 able to help them get computers. They actually  
14 didn't have a place to stay. I had an extra office  
15 at the eastside precinct so I told them they could  
16 set up there. I know they were having issues with  
17 their command trying to get equipment they needed.  
18 So I was able to get them some computers. They had a  
19 place to work. That didn't last long, and at some  
20 point they pulled them to, I believe, central  
21 precinct and put them over there.

22 They were getting a lot of the runaround  
23 of not knowing who they report to or really where  
24 they fell because you either have to fall into a  
25 tactical unit or the patrol, and they were being told

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1 at one point follow patrol procedures and then they  
2 were being told to follow essentially SWAT  
3 procedures. You can't have both. It has to be one  
4 specific unit that handles that type of thing. You  
5 know, there's aspects of -- of your patrol policies  
6 that SWAT will follow, but overall SWAT policy is  
7 SWAT policy. They have their own policy. SIS had  
8 their own policy. But as far as a fugitive squad was  
9 a separate entity that did not have its own policy at  
10 the time.

11 So they tried to do the right thing and  
12 began trying to write their own policy so they could  
13 show what they needed for manpower, equipment to do  
14 it safer. So I helped them find the COTU unit I  
15 mentioned. I was able to find that policy way in the  
16 archives, the TRAP policy and a couple others, and  
17 they actually took the time putting it all together  
18 and asked me to proofread it. And after that they  
19 sent it up through their chain of command which also  
20 changed so much. I'm going to say it was Major  
21 Herron at the time. At some point it was Captain  
22 Gay. They kind of changed supervisors here and there  
23 a lot too, so I wasn't sure. I wasn't in their  
24 direct chain of command, so I had limited abilities  
25 to help push it further than that.

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1 Being in charge of the precinct was a  
2 whole different animal, so I tried to help them from  
3 the kind of the shadows there to help them get on  
4 track so they can do things more safely, because I  
5 could see that this was not being handled in a right  
6 way. You never have supervisors being part of an  
7 entry team unless it's just no other way around it.  
8 It was unsafe actions.

9 The reason you do the amount of people we  
10 do on a fugitive warrant or even a search warrant is  
11 because you're not only trying to keep the officers  
12 safe; you're trying to keep the public safe and  
13 you're trying to even keep the suspect safe. You  
14 know, the more manpower you have the more shock and  
15 awe you do the less likely they are to turn into  
16 violence to have to use force.

17 I'm in charge of the SWAT team right now  
18 as well and marching them into the hundreds of -- of  
19 nondeadly force activations they've had over the  
20 years because of the way they go in. They go in with  
21 the full team. They go in knowing what they need to  
22 do having every aspect covered, and that's kind of  
23 how it all should be done.

24 When I got to CNT I had to make some  
25 changes there, so this is kind of near and dear to my

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1 heart, because I saw some safety things that were  
2 wrong there of them taking trying to get drugs over  
3 the protection of life, their own, the suspect's, the  
4 public, and I made changes there. So that's how we  
5 operated. And for them to get pulled from CNT where  
6 things were being handled safely and get thrown into  
7 that was causing a lot of issues, and that's why I  
8 helped them to try to get that policy set.

9 Q. At some point did -- did you review the  
10 video of what occurred in this case?

11 A. I finally did, yes.

12 Q. And the -- the officers, as I understand  
13 it, had, were given an arrest warrant for a violent  
14 offender, I think, for aggravated assault. They had  
15 a general description in the warrant light-skinned  
16 black male with an address.

17 A. Right.

18 Q. And this was during the day, I believe.  
19 It wasn't a night execution of the warrant.

20 But they went to the address. They went  
21 to the apartment, as I understand it, that was in the  
22 warrant and was told by the super or someone that  
23 that individual didn't -- had lived in that apartment  
24 but he had moved to an apartment upstairs and gave  
25 them that address. And they walked into the common

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1 area and a light-skinned black male and woman came  
2 out of that apartment up to the rail and saw them.  
3 You know, there was four or five officers, saw them  
4 heading toward the stairs, and they rushed back into  
5 that apartment that was given as to where this man  
6 was located.

7 So when they got up to the apartment and  
8 the door was open, I believe Sergeant Arango yelled  
9 out the name of the man in the warrant, and the same  
10 light-skinned black male started coming toward  
11 Officer Arango and the other officers. And they  
12 yelled at that individual to show his hands and to  
13 get down on the ground. I think they -- I think they  
14 yelled that three times. This individual never  
15 obeyed the -- the order to get down on the ground at  
16 that point.

17 I'd like to know, I mean, would that be an  
18 obstruction at that point no matter who the person  
19 was, whether they were the suspect or anyone else  
20 when they were given a lawful order to get down on  
21 the ground at that point?

22 A. Yes.

23 MR. O'CONNOR: Hang on. Object to the  
24 form. You can answer subject to my objection.  
25 Go ahead.

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1 THE WITNESS: Oh.

2 Being in that situation a number of times,  
3 whenever you're dealing with violent individuals  
4 like that there isn't a lot of time for  
5 deescalation, so you need to be forward,  
6 forceful to get them to comply to avoid having  
7 to use deadly force or more force that's  
8 necessary. So, yes, and any amount after --  
9 after a lawful order. And at that point they  
10 believed they had a lawful reason to be there.  
11 They thought it was him that they would -- that  
12 he should have complied faster at that point.

13 And you have to understand from the type  
14 of work they've done with SWAT, this was  
15 essentially going in with a tenth of what you  
16 would with a SWAT team. And -- and when you use  
17 force in those situations it's completely  
18 different. It's trying to -- to -- to get  
19 control for the safety of everybody involved.  
20 So 99 times out of a hundred everybody complies  
21 immediately, gets on the ground. And when  
22 you've got multiple other subjects in the house,  
23 you have to be able to get that person under  
24 control and then move on through to make sure  
25 there's no other ambush, no other issues coming

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1 up.

2 So I would say that was -- that falls  
3 under the line of obstruction. I've done it  
4 before. You know, there are times when you have  
5 time to say five, six, seven, eight times get on  
6 the ground, get on the ground and try to  
7 deconflict. This was not one of those  
8 situations.

9 Q. (By Mr. Schiavone) And then at some point  
10 I know that there was some bad language used, like,  
11 for instance, when this individual was asked his  
12 name, I think it was basically fuck you, mother  
13 fucker's my name or something to that effect.

14 So is it unusual for people that you're  
15 looking for -- for -- for arresting because of a  
16 crime to give false names, have false IDs --

17 A. Yes, sir.

18 Q. -- in order to avoid -- avoid being  
19 recognized as the individual that you're looking for  
20 under the warrant?

21 A. Literally I have to watch ever body-worn  
22 camera of my guys every time they use force, have to  
23 make arrests, and it's frustrating for me watching it  
24 when they're lying and we know it's them on that.  
25 So, yes, it happens every day.

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1 Q. And at some point after they sat him up  
2 and were trying to determine if he was in fact the  
3 individual in the warrant, he began spitting on these  
4 officers and he hit Arango. He hit Kang and -- and  
5 my understanding was that because of the lack of  
6 equipment -- this was -- this was during COVID, that  
7 you also would have issues of HIV and tuberculosis.  
8 I mean, there's a number of things that officers have  
9 to be careful of on a daily basis of -- of -- because  
10 they're first-line people. And my understanding was  
11 that they couldn't even get or were not even given  
12 masks to cover their -- their faces during the COVID  
13 period that we would normally have when they went out  
14 to execute the warrant because of lack of equipment.  
15 Is that true or is that your recollection?

16 MR. KACHMAR: Object to the form.

17 THE WITNESS: That is true. That actually  
18 was one of my tipping points for pushing to the  
19 city manager the first time. He actually  
20 refused -- Minter refused to allow us to even  
21 wear a mask if purchased themselves. You know,  
22 it was part of one of my original first  
23 complaints. So we were not only not given that  
24 equipment; we were told we could not wear it on  
25 the onset of COVID.

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<div>31</div> <div>EXHIBIT 32</div>	<div>33</div>
<p>1 The spitting was a whole 'nother problem.</p> <p>2 At the staff meeting I brought up spit shields</p> <p>3 which is a pretty common device most departments</p> <p>4 have. I tried to order them for my precinct. I</p> <p>5 was told to hold off. We need to do it for the</p> <p>6 whole department and we need to see which ones</p> <p>7 are going to be more beneficial. That took</p> <p>8 another nine, ten months. And at that point I</p> <p>9 don't think any of the specialized units were</p> <p>10 ever given any of the spit shields to also</p> <p>11 protect from that happening.</p> <p>12 And we have them now. Matter of fact,</p> <p>13 after this incident we suddenly got a whole</p> <p>14 bunch of them and -- and we use them, but no to</p> <p>15 the COVID masks, and there wasn't anything kind</p> <p>16 of practically available to -- to put on the</p> <p>17 suspect either.</p> <p>18 Q. (By Mr. Schiavone) Are you familiar with</p> <p>19 the chief and his connection to The Maxwell Group?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know what that is? Can you explain</p> <p>22 that to me?</p> <p>23 A. I kind of think it's the scientology of</p> <p>24 the business world. It's -- it's a professional</p> <p>25 group of speakers for any number of topics. I know</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>	<p>1 contacted the district attorney's office directly</p> <p>2 specifically about prosecuting Kang and Arango?</p> <p>3 A. I did hear that.</p> <p>4 Q. And were you aware of a number of press or</p> <p>5 conferences that he had with the mayor and the DA at</p> <p>6 the time, Meg Heap, in reference to this case?</p> <p>7 A. Yes, I watched those.</p> <p>8 Q. And was that unusual? I mean, that --</p> <p>9 A. I thought it was very unusual.</p> <p>10 Any time we're dea -- I mean, we don't</p> <p>11 really divulge things about criminal cases that we're</p> <p>12 working. We don't divulge Internal Affairs</p> <p>13 complaints. There may be a -- a very minor press</p> <p>14 release to just say something's being looked into. I</p> <p>15 thought this one was very theatrical, over the top.</p> <p>16 I couldn't understand from my side of the fence of</p> <p>17 how you would share so much information for something</p> <p>18 that's a now pending criminal case that you want to</p> <p>19 do or a pending civil suit to come. So to me it --</p> <p>20 theatrics would be the perfect word I would use for</p> <p>21 this. It was very unusual.</p> <p>22 Q. And were you ever in Internal Affairs at</p> <p>23 any point in the 23 years?</p> <p>24 A. As working in Internal Affairs or being</p> <p>25 through?</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>
<div>32</div>	<div>34</div>
<p>1 he sat on the board. Somebody had sent me the link</p> <p>2 showing him one of their board members. I think they</p> <p>3 have hundreds of board members from reading up on it,</p> <p>4 but it's a -- it's a teaching and lecture group that</p> <p>5 travels around. I think there's a lot of</p> <p>6 quid pro quo that goes around. I kind of made a</p> <p>7 complaint on this myself. I think there's a conflict</p> <p>8 of interest.</p> <p>9 I know enough about the group to know that</p> <p>10 I don't like the way it operates. Yes, they have</p> <p>11 some good speakers, but this was something he was</p> <p>12 involved with, and I think they started pulling that</p> <p>13 into our department which I did think was an ethical</p> <p>14 issue.</p> <p>15 Q. And is there a policy or procedure that --</p> <p>16 whether or not the chief or any officers should have</p> <p>17 press conferences about pending criminal cases and</p> <p>18 commenting on the cases to the public?</p> <p>19 A. Yes. I couldn't cite the policy offhand.</p> <p>20 I've got like three different ones that it might be</p> <p>21 falling under, but we have very specific things about</p> <p>22 sharing criminal cases publicly as well as how to</p> <p>23 deal with the media. But I couldn't tell you offhand</p> <p>24 exactly where that policy would fall.</p> <p>25 Q. And were you aware that the chief had</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>	<p>1 Q. Yes. Yeah, working in Internal Affairs or</p> <p>2 anything like that?</p> <p>3 A. No, no.</p> <p>4 Q. All right. Were you familiar with the</p> <p>5 investigation of Gates and some of the allegations in</p> <p>6 that case?</p> <p>7 A. More so after the fact. You know, heard</p> <p>8 little things here and there, but really the things</p> <p>9 that started to come out in the news. You know, I</p> <p>10 keep up on all that, so I think I know more about it</p> <p>11 now.</p> <p>12 I knew a little bit when Sergeant Arango</p> <p>13 had asked me for advice of who to go to with the</p> <p>14 initial complaint about the gang connection, and</p> <p>15 Sergeant Arango was actually the one who took that</p> <p>16 complaint up to Internal Affairs to get it started.</p> <p>17 But as far as the internal workings of the</p> <p>18 investigation, I didn't have any part of that.</p> <p>19 MR. SCHIAVONE: All right. Can we just</p> <p>20 take a short break? I may be done, almost done.</p> <p>21 MR. O'CONNOR: Yeah.</p> <p>22 MR. SCHIAVONE: All right. Thank you.</p> <p>23 (Recess taken from 1:36 p.m. to 1:44 p.m.)</p> <p>24 MR. SCHIAVONE: All right. I think that's</p> <p>25 all the questions I have at this point.</p> <p style="text-align: center;"><b>Gilbert &amp; Jones</b></p>

1 MR. O'CONNOR: All right. We have no  
2 questions for the City.  
3 MR. KACHMAR: Chef Minter has one  
4 question.

## EXAMINATION

BY MR. KACHMAR:

7 Q. Captain, would you agree that community  
8 relations is a component of the chief of police's  
9 job?

10 A. Yes, to a point.

11 MR. KACHMAR: That's all I have.

12 MR. O'CONNOR: Okay.

13 MR. SCHIAVONE: All right. Thank you.

14 Thank you, Captain.

15 (Deposition concluded at 1:44 p.m.)

16 (Pursuant to Rule 30(e) of the Federal

17 Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e),  
18 signature of the witness has been reserved.)

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## DISCLOSURE OF NO CONTRACT

2 I, Debbie Gilbert, do hereby disclose  
3 pursuant to Article 10.B of the Rules and Regulations  
4 of the Board of Court Reporting of the Judicial  
5 Council of Georgia that Gilbert & Jones, Inc. was  
6 contacted by Savage & Turner to provide court  
7 reporting services for these proceedings and there is  
8 no contract that is prohibited by O.C.G.A.  
9 15-14-37(a) and (b) or Article 7.C. of the Rules and  
10 Regulations of the Board for the taking of these  
11 proceedings.

12 There is no contract to provide reporting  
13 services between Gilbert & Jones, Inc. or any person  
14 with whom Gilbert & Jones, Inc. has a principal and  
15 agency relationship nor any attorney at law in this  
16 action, party to this action, party having a  
17 financial  
18 interest in this action, or agent for an attorney at  
19 law in this action, party to this action, or party  
20 having a financial interest in this action. Any and  
21 all financial arrangements beyond our usual and  
22 customary rates have been disclosed and offered to  
23 all parties.

24 This 31st day of August 2022.

25 *Debbie Gilbert*  
\_\_\_\_\_  
26 Debbie Gilbert, FIRM  
27 REPRESENTATIVE  
28 Gilbert & Jones, Inc.

Gilbert &amp; Jones

1 CERTIFICATE OF COURT REPORTER  
2  
3 STATE OF GEORGIA:  
4 COUNTY OF EFFINGHAM:  
5  
6 I hereby certify that the foregoing  
7 transcript was reported as stated in the caption and  
8 the questions and answers thereto were reduced to  
9 writing by me; that the foregoing 35 pages represent  
10 a true, correct, and complete transcript of the  
11 evidence given on August 29, 2022, by the witness,  
12 CAPTAIN GEORGE GUNDICH, who was first duly sworn by  
13 me.

14 I certify that I am not disqualified  
15 for a relationship of interest under  
16 O.C.G.A. 9-11-28(c); I am a Georgia Certified Court  
17 Reporter here as an employee of Gilbert & Jones, Inc.  
18 who was contacted by Savage & Turner to provide court  
19 reporting services for the proceedings; I will not be  
20 taking these proceedings under any contract that is  
21 prohibited by O.C.G.A. 15-14-37(a) and (b) or  
22 Article 7.C. of the Rules and Regulations of the  
23 Board; and by the attached disclosure form I confirm  
24 that neither I nor Gilbert & Jones, Inc. are a party  
25 to a contract prohibited by O.C.G.A. 15-14-37(a) and  
(b) or Article 7.C. of the Rules and Regulations of  
the Board.

This 31st day of August 2022.

\_\_\_\_\_  
THOMAS J. DORSEY, CERTIFIED COURT  
REPORTER, 2781

Gilbert &amp; Jones

1 DEPOSITION OF: CAPTAIN GEORGE GUNDICH /TJD

2 I do hereby certify that I have read all  
3 questions propounded to me and all answers given by  
4 me on August 29, 2022, taken before Thomas J. Dorsey,  
5 and that:

- 6 \_\_\_ 1) There are no changes noted.  
7 \_\_\_ 2) The following changes are noted:

8 Pursuant to Rule 30(e) of the Federal Rules of  
9 Civil Procedure and/or the Official Code of Georgia  
10 Annotated 9-11-30(e), both of which read in part:  
11 Any changes in form or substance which you desire to  
12 make shall be entered upon the deposition...with a  
13 statement of the reasons given...for making them.  
14 Accordingly, to assist you in effecting corrections,  
15 please use the form below:

16 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_

17 The reason for the change is \_\_\_\_\_

18 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_

19 The reason for the change is \_\_\_\_\_

20 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_

21 The reason for the change is \_\_\_\_\_

22 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_

23 The reason for the change is \_\_\_\_\_

24 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_

25 The reason for the change is \_\_\_\_\_

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1 DEPOSITION OF: CAPTAIN GEORGE GUNDICH

2 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

3 The reason for the change is \_\_\_\_\_

4 \_\_\_\_\_

5 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

6 The reason for the change is \_\_\_\_\_

7 \_\_\_\_\_

8 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

9 The reason for the change is \_\_\_\_\_

10 \_\_\_\_\_

11 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

12 The reason for the change is \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 If supplemental or additional pages are necessary,  
16 please furnish same in typewriting annexed to this  
17 deposition.

18 \_\_\_\_\_  
CAPTAIN GEORGE GUNDICH

19 Sworn to and subscribed before me,  
20 This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

21 \_\_\_\_\_  
Notary Public  
22 My commission expires: \_\_\_\_\_

23 Please forward corrections to:

24 \_\_\_\_\_  
Gilbert & Jones, Inc.  
25 7505 Waters Avenue, Suite F3  
Savannah, GA 31406  
(912) 355-1061  
**Gilbert & Jones**